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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
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MAR 23 2004

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Security and Genoa, Colorado)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MB Docket No. _____
RM - _____

To: Office of Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

AMENDMENT TO PETITION FOR RULE MAKING

Optima Communications, Inc. ("Optima"), licensee of Station KSKX(FM), Security, Colorado, by its counsel, hereby requests that the Commission accept this amendment to its Petition for Rule Making filed on October 27, 2003. The Petition requested the amendment of the FM Table of Allotments to (i) substitute Channel 288C2 for Channel 288C3 at Security, Colorado, and (ii) substitute Channel 291C3 for vacant Channel 288C3 at Genoa, Colorado. This amendment requests the modification of the proposed reference coordinates at Security. In support hereof, Optima states as follows:

1. Optima is amending its petition in order to avoid a conflict with a pending application filed by Laramie Mountain Broadcasting, L.L.C. ("Laramie"), license of Station KKHI-FM (formerly KIMX(FM)), Timnath, Colorado, on October 27, 2003. See BPH-20031027AAB. In its application, Laramie proposed to modify the existing construction permit for KKHI-FM to upgrade its operation from Channel 288C2 to Channel 288C1. This upgrade conflicts with Optima's petition. By relocating the proposed KSKX reference coordinates at Security to a site 8.8 km South of the reference coordinates specified in Optima's petition, the conflict can be avoided. As stated in the original Petition, in order for Optima's proposal to meet

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the spacing requirements of Section 73.207 of the Commission's Rules, Channel 291C3 still must be substituted for vacant Channel 288C3 at Genoa.

2. As demonstrated in the Technical Narrative, Channel 288C2 can be substituted for Channel 288C3 at coordinates 38-37-30 North Latitude, 104-49-00 West Longitude consistent with Section 73.207 of the Commission's Rules, provided that Channel 291C3 be substituted for vacant Channel 288C3 at Genoa. *See* Figure 1. From the proposed reference coordinates, a 70 dBu signal can be provided to Security, and a 60 dBu signal can be provided to 685,875 persons in an area of 10,239 sq. km. *See* Figure 2. These figures represent an increase of 160,640 persons (30.6%) and an area of 5,249 sq. km (105%).

3. As Optima demonstrated in its petition, Channel 291C3 can be substituted for Channel 288C3 at Genoa in accordance with Section 73.207 of the Commission's Rules. *See* Figure 3. From the proposed reference coordinates, a 70 dBu signal can be provided to Genoa. *See* Figure 4.

4. Optima hereby reiterates that if its amended petition is granted, it will file an application for Channel 288C2 at Security and construct the facilities as authorized.

5. Accordingly, Optima requests that the Commission institute a rule making proceeding to substitute Channel 288C2 for Channel 288C3 at Security, Colorado and substitute Channel 291C3 for vacant Channel 288C3 at Genoa, Colorado.

Respectfully submitted,

OPTIMA COMMUNICATIONS, INC.

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March 23, 2004

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ENGINEERING EXHIBIT EE-RM-1:

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**SUBSTITUTION OF
CH. 288C2 FOR 288C3 AT SECURITY, COLORADO
CH. 291C3 FOR 288C3 AT GENOA, COLORADO**

MARCH 22, 2004

Revised Coordinates for
288C2 - Security, CO

**ENGINEERING STATEMENT PREPARED ON BEHALF OF
OPTIMA COMMUNICATIONS, INC.
LICENSEE OF KSKX (FM)
CHANNEL 288C3 - SECURITY, COLORADO**

Facility ID: 50402

ENGINEERING EXHIBIT EE-RM-1:

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**SUBSTITUTION OF
CH. 288C2 FOR 288C3 AT SECURITY, COLORADO
CH. 291C3 FOR 288C3 AT GENOA, COLORADO**

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5. Figure 3, Channel Allocation Study for Ch. 291C3 - Genoa.
From Special Ref. Point for Genoa, CO.
6. Figure 4 General Area Map. - 291C3 Genoa, CO.

Figures 1 & 2 amended - March 2004

Figures 3 & 4 October 2003

Declaration

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an principal engineer in the firm of Mullaney Engineering, Inc., and that I have provided engineering services in the area of telecommunications since 1977. My qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission.

Mullaney Engineering, Inc., has been requested by Optima Communications, Inc., to prepare the instant engineering exhibit in support of a rule making petition to amend the FM Table of Allotments for KSKX at Security, CO (FCC Facility ID Number: 50402).

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

Executed on the 22th day of March 2004

ENGINEERING EXHIBIT EE-RM-1:

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**SUBSTITUTION OF
CH. 288C2 FOR 288C3 AT SECURITY, COLORADO
CH. 291C3 FOR 288C3 AT GENOA, COLORADO**

NARRATIVE STATEMENT:

This engineering statement has been prepared on behalf of Optima Communications, Inc., licensee of Radio Station KSKX, at Security, Colorado (Facility ID 50402). The purpose of this statement is to provide a minor amendment to the pending engineering in support of a rule making petition to amend the FM Table of Allotments to substitute Ch. 288C2 for 288C3 at Security, CO and to substitute Ch. 291C3 for the Vacant 288C3 at Genoa, CO and to modify the license of KSKX accordingly.

The amendment moves the 288C2 reference point 8.8 km south so as to avoid a conflict with a pending application by KKHI on 288C1 at Timnath, CO. All information on Genoa, CO, remains as originally filed.

KSKX wishes to point out that the upgrade it seeks is on its existing channel in its existing city of license and, therefore, it is not necessary to demonstrate the availability of an additional equivalent channel in accordance with of the rules.

The proposed reference point is not within 290 kilometers (180 miles) of a United States Border and, therefore, foreign concurrence is not required.

Proposed Reference Site - 288C2 Security, CO

For the purposes of this rule making the applicant proposes to use a special reference point located 16.1 km (10 miles) South-southwest of the city reference coordinates for Security, CO.

N. Latitude: 38° 37' 30" NAD-27

W. Longitude: 104° 49' 00"

The proposed reference site for Ch. 288C2 is located well within the 33 km circle used for C2 allotment criteria. The proposed reference site will provide an unobstructed view of the city of license. **Figure 2** is a general area map showing Security, CO, and the existing C3 & proposed C2 sites.

Channel Allocation Study - Security, CO

Figure 1 is a Channel Allocation Study from the special reference point proposed herein for Security, Colorado. The study indicates the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations **except** that associated with the vacant allotment on Ch. 288C3 at Genoa, CO. However, as will be shown, **291C3 is available for substitution at Genoa.**

The licensed C3 site of KSKX is located 13.8 km (8.6 miles) away.

Proposed Reference Site - 291C3 Genoa, CO

For the purposes of this rule making the applicant proposes to use a special reference point located 18.4 km (11.4 miles) East-Southeast of the city reference coordinates for Genoa, CO.

N. Latitude:	39°	15'	35"	NAD-27
W. Longitude:	103°	17'	15"	

The proposed reference site for Ch. 291C3 is located well within the 23 km circle used for C3 allotment criteria. In addition, it is located closer to Genoa than is the existing allotment point for Ch. 288C3 and the terrain paths are to the city are similar. **Figure 4** is a general area map showing Genoa, CO, and the existing 288C3 & proposed 291C3 sites.

Channel Allocation Study - Genoa, CO

Figure 3 is a Channel Allocation Study from the special reference point proposed herein for Genoa, Colorado. The study indicates the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations **except** that associated with the vacant allotment on Ch. 288C3 at Genoa, CO.

Public Interest Showing

KSKX presently operates as a C3 facility with maximum equivalent facilities (0.41 kW at 679 meters HAAT). The proposed upgrade to Class C2 facilities will permit KSKX to serve a wider area and more population. KSKX presently provides a 60 dBu service to 525,235 persons and 4,990 square kilometers. The C2 reference point used herein will potentially provide 60 dBu service to 685,875 persons and 10,239 square kilometers (2000 Census). This represents a 30.6% increase in population and a 105% increase in area.

The city of Security-Widefield CDP is located in El Paso County and has a population of 29,845 persons. The substitution of Ch. 291C3 for 288C3 at the city of Genoa is an equivalent exchange.

Based upon the above information, KSKX believes that its request results in a preferential arrangement of allotments and therefore, serves the public interest.

SUMMARY

Optima Communications, Inc., licensee of Radio Station KSKX, at Security, Colorado (Facility ID 50402) requests that the FM Table of Allotments be amended to substitute Ch. 288C2 for 288C3 at Security, CO and to substitute Ch. 291C3 for the Vacant 288C3 at Genoa, CO and to modify the license of KSKX accordingly.

	Present	Proposed
Security, CO	288C3	288C2
Genoa, CO	288C3	291C3

KSKX believes that the proposed upgrade to Class C2 facilities will serve the public interest.

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

March 22, 2004.

Optima Communications, Inc.

REFERENCE

38 37 30 N
104 49 00 W

CLASS = C2

Current Spacings

Channel 288 - 105.5 MHz

DISPLAY DATES

DATA 03-12-04

SEARCH 03-19-04

Call	Channel	Location	Dist	Azi	FCC	Margin
RADD	ADD 288C2	Security	CO 8.75	350.5	190.0	Pending RM
KSKX.A	APP-N 288C1	Security	CO 13.81	343.7	224.0	Dismissed
KSKX.A	APP-Z 288C2	Security	CO 13.81	343.7	190.0	Dismissed
RDEL	DEL 288C3	Security	CO 13.81	343.7	177.0	
KSKX	LIC 288C3	Security	CO 13.81	343.7	177.0	
ALLO	VAC 288C3	Genoa	CO 156.58	56.8	177.0	-20.42
RDEL	DEL 288C3	Genoa	CO 156.58	56.8	177.0	-20.42 to 291C3
KKHIFM	APP-N 288C1	Timnath	CO 225.52	349.0	224.0	1.52 OK
KXKLFM	LIC 286C	Denver	CO 113.45	342.8	105.0	8.45
KVAY	LIC 289C1	Lamar	CO 171.93	108.8	158.0	13.93
KALC.C	CP 290C	Denver	CO 128.19	343.8	105.0	23.19
KALC	LIC-D 290C	Denver	CO 128.25	343.8	105.0	23.25
ALLO	VAC 285A	Rye	CO 78.69	187.2	55.0	23.69
KKHIFM	CP -N 288C2	Timnath	CO 225.52	349.0	190.0	35.52
ALLO	VAC 287C	Des Moines	NM 223.97	157.1	188.0	35.97
Alt	287C3	Genoa	CO 156.58	56.8	117.0	39.58 Alt
ALLO	VAC 287A	Center	CO 149.01	229.6	106.0	43.01

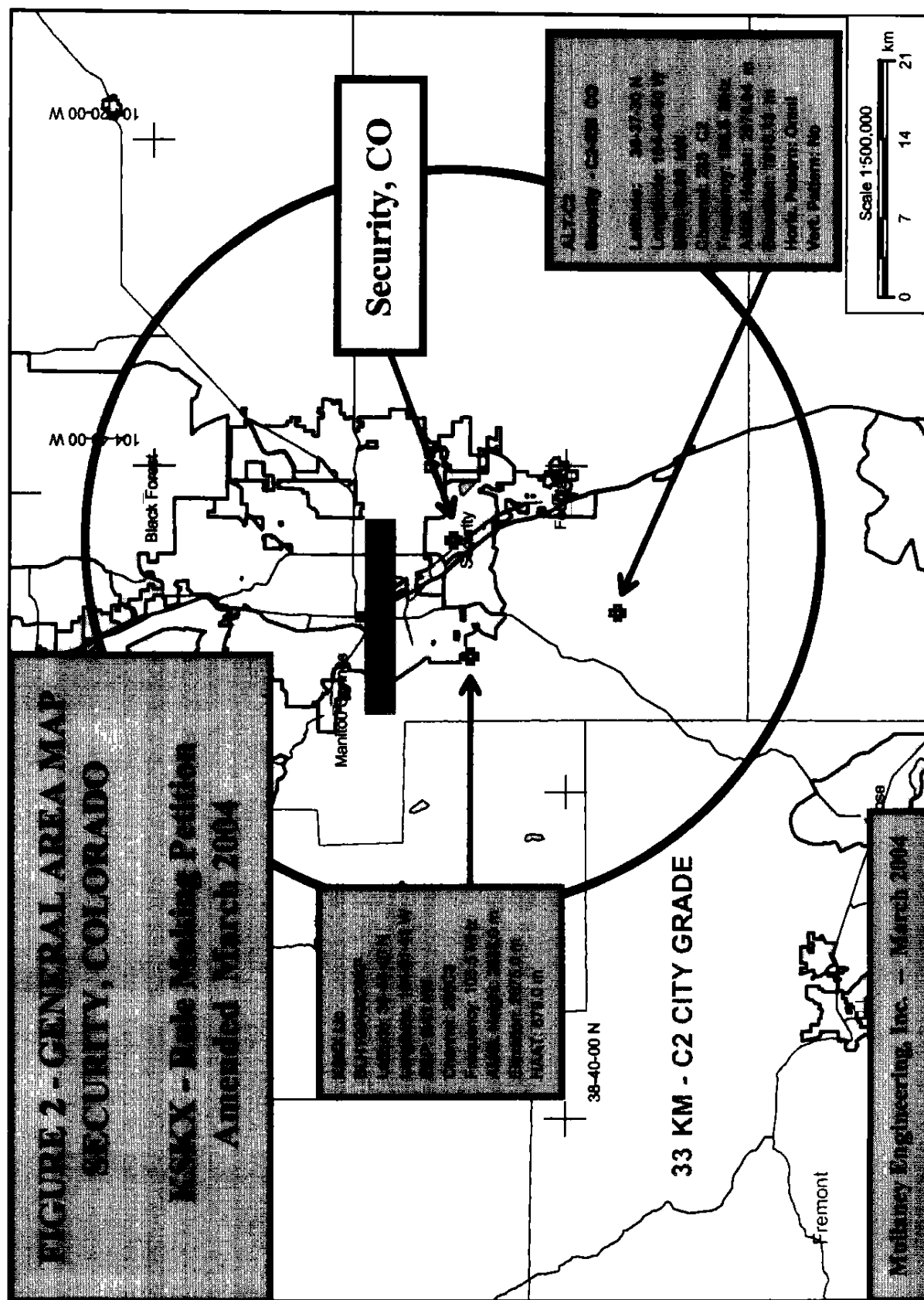
SUBSTITUTE CH. 291C3 FOR 288C3 AT GENOA, CO.

CHANNEL STUDY - 288C2 - C2 UPGRADE - KSKX

**OPTIMA COMMUNICATIONS, INC. - KSKX(FM)
RULE MAKING PETITION
SECURITY & GENOA, COLORADO**

**MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND**

**FIGURE 1
MARCH 2004**



Optima Communications, Inc.

REFERENCE 39 15 35 N 103 17 15 W	Special Reference Point CLASS = C3 Current Spacings ----- Channel 291 - 106.1 MHz -----	DISPLAY DATES DATA 10-22-03 SEARCH 10-24-03
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Call	Channel	Location	Dist	Azi	FCC	Margin		
Alt	RM	291C3	Genoa	CO	0.00	0.0	152.5	Special Reference
ALLO	VAC	288C3	Genoa	CO	13.92	357.7	42.5	-28.58 SELF
KALC.C	CP	290C	Denver	CO	175.61	288.1	175.5	0.11
KALC	LIC-D	290C	Denver	CO	175.71	288.1	175.5	0.21
KPRB.A	APP	292C3	Brush	CO	103.29	350.1	98.5	4.79
ALLO	RSV	292C3	Brush	CO	103.29	350.1	98.5	4.79
KPRB	LIC	292A	Brush	CO	111.93	342.0	88.5	23.43
KKLI	LIC	292C2	Widfield	CO	147.95	247.7	116.5	31.45
KVAY	LIC	289C1	Lamar	CO	130.52	167.3	75.5	55.02
KBPI.A	APP	294C	Denver	CO	175.61	288.1	95.5	80.11
KBPI.A	APP	294C	Denver	CO	175.61	288.1	95.5	80.11
KBPI	LIC	294C	Denver	CO	175.71	288.1	95.5	80.21
ADD-C2	RM	288C2	Security	CO	147.53	245.6	55.5	92.03 UPGRADE

SUBSTITUTE CH. 291C3 FOR 288C3 AT GENOA, CO.

CHANNEL STUDY - 291C3 - SUBSTITUTION - GENOA

OPTIMA COMMUNICATIONS, INC. - KSKI(FM)
 RULE MAKING PETITION
 SECURITY & GENOA, COLORADO

MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND

FIGURE 3
 OCTOBER 2003

